

good schools. Why don't we have Pell grants for kids? I said: Mr. President, I had a hearing on that idea last month. He looked at me and said: I thought it was my idea. I said: Mr. President, it is your idea. Any idea the President has is his idea, but he had it before anyone suggested it to him.

The idea is very simple. We take this brilliant idea that Congress has invented over the last 50 years of giving money directly to college students which they can spend at any institution of education of their choice—public, private, nonprofit, Catholic, Jewish, the University of Tennessee, Notre Dame, National Auto Diesel College. As long as it is accredited, they can go there, and it especially helps those with less money. Let's try that with the poorest children.

Sixteen years ago, when I was Education Secretary, the first President Bush proposed a GI bill for kids. Much the same idea. It was the largest provision in his budget, half a billion dollars that year, to give poor kids access to some of the same educational opportunities others had.

I proposed, in a Pell grants for kids version, that we give every child, the middle- and low-income children—that is 60 percent of them all \$500 for after-school programs or other programs. The President has advanced the idea.

President Bush has painted a strong agenda for America this year. He has said let's give a boost to the economy, let's begin to give every American health insurance, let's control entitlement spending, let's fund programs to keep good jobs here, and let's give poor children an opportunity to go to more of the better schools. He has challenged us to go to work. We are ready to go to work. We are ready to get results, which means working across the aisle in a bipartisan way.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 11 minutes remaining.

Mr. CORNYN. I appreciate that, Mr. President.

#### BIPARTISANSHIP

Mr. CORNYN. Mr. President, when I came to Washington about 5 years ago, a colleague of mine said: Welcome to Washington, DC. It is about 8 square miles of logic-free environment, where perception is reality.

I always chuckled when he would say that, and I have repeated it myself a few times to audiences back home in Texas because I think it, unfortunately, has a grain of truth to it. One reason I think people chuckle at that, and maybe groan a little bit inside when Washington is described that way, is because we send out such contradictory messages at the same time.

The Speaker of the House of Representatives and the Republican leader,

Mr. BOEHNER, and the President of the United States have come together and said: We have come up with a bipartisan package to stimulate our economy; to make sure, if it is possible, that we avoid a recession that puts many Americans out of work and hurts them in an economic and personal way.

That was a very welcome message that I heard and the public heard, and I think it was a hopeful one. I, for one, hoped it would signal some kind of new period of cooperation in light of the fact that, frankly, what we had been doing was not working very well, as evidenced by one of the historic lows in congressional approval ratings as a result of the dysfunction in the Senate, and Congress as a whole, last year.

By that I mean you will recall we didn't pass but 1 of the 12 appropriations bills on a timely basis by the end of the fiscal year last year, so we had to roll everything into a big Omnibus appropriations bill. Some say "ominous" appropriations bill, and I think that is an apt description. It was chock full of earmarks and things that people hadn't had adequate time to scrutinize, much less to debate and shine the sunlight of public scrutiny on. So I would hope we would learn from the dysfunction of last year and we would look to the example of bipartisan cooperation as evidenced by the House of Representatives and the White House on the economic stimulus.

Of course, it wasn't limited just to appropriations last year. We saw basically a standstill, after 36 votes on Iraq, on nonbinding resolutions calling for unilateral withdrawal. Finally, we passed, at the very end of last year, a \$70 billion emergency appropriations so that our troops in Afghanistan and Iraq would get the support we owe them as a moral obligation, as a sign of our commitment to support the troops, to protect our national security interests. But it took us a long time and a lot of hot air to finally get there.

Then, of course, there was the alternative minimum tax, which, true to form, people said: Well, let's tax the rich. Originally, it was designed to tax 155 taxpayers. Last year, it affected 6 million people. And if we hadn't acted, which we finally did at the end of last year, it would have affected 23 million middle American taxpayers. Thank goodness we were finally able to get the work done, that was our responsibility, but not, frankly, in good form last year.

So it is with some hope that we find ourselves learning from that experience last year and the low approval ratings that they brought. My hope was this early sign of bipartisan cooperation on the economic stimulus package would sort of start a new trend. Unfortunately, on a matter that really is fundamental to our responsibility—I think our first responsibility: to keep America and Americans safe—we find ourselves falling back into the old bad habits of dysfunction once again.

What I mean by that is, the Foreign Intelligence Surveillance Act is vital to our national security. It is vital that we continue to be able to listen to foreign terrorists who are communicating with each other, plotting and planning future terrorist attacks on our homeland and on our troops in Iraq and Afghanistan and around the world. Rather than pass legislation that would address that, we passed a patch in October for 6 months, which expired in December. So we passed another 1-month extension. And now we find ourselves with our backs up against the wall with this Protect America Act extension expiring February 1. And I was discouraged to hear the majority leader say this morning that it was impossible to pass a reauthorization of the Foreign Intelligence Surveillance Act.

What he suggested is that we need another patch for 1 month, or a short period of time, without addressing the primary issues that need to be voted on. The Senator from Florida, Mr. MARTINEZ, talked about the civil liability immunity for the telecoms that may have cooperated with the United States Government at the highest levels based on a request from the President of the United States, the Commander in Chief, during a time of war, and the certification by the Attorney General that what they were being asked to do was legal and, in fact, necessary for us to protect ourselves against another attack, such as the one we suffered in Washington and in New York on September 11, 2001.

We know if this law expires without our addressing all aspects of the Foreign Intelligence Surveillance Act, our intelligence officials will be literally blind and deaf to the important intelligence that will allow us to detect and deter future attacks against American citizens. In fact, last summer the Director of National Intelligence told us we were missing about two-thirds of the communications between foreign terrorists that were necessary to protect our country. That is why we passed the Protect America Act. So why in the world we would get bogged down in the same sort of bickering and partisan divide rather than come together to solve this in a bipartisan fashion, frankly, escapes me.

As was pointed out earlier, this very same legislation passed in the Intelligence Committee by a vote of 13 to 2. That is a bipartisan supermajority, sponsored by the chairman, the Democrat, Senator ROCKEFELLER, and the vice chairman, Senator BOND, a Republican. So with that kind of bipartisan support for a product that the Director of National Intelligence and the leadership of our defense community tell us they need in order to continue to protect America against attacks, why is it impossible for us to pass this legislation? I don't know of any other explanation than just downright stubbornness. And, frankly, it is the kind that represents a sort of reminder of the bad habits of the past that I had hoped we would have learned from and change.

Frankly, if the definition of insanity is doing the same thing over and over again and expecting a different outcome, what is happening on FISA is insane because we are resorting to the same old bad habits and not reaching out and solving this problem, which is very real and very urgent.

Let me say a word about the economy. I mentioned the economic stimulus package that was negotiated between the Democrat Speaker of the House and the Republican leader and the representative of the President, Secretary Paulson. I find myself in agreement with the remarks made earlier by Mr. ALEXANDER, the Senator from Tennessee. While there are parts of that agreement that I, frankly, don't like all that much, given the nature of the legislative process, I think it represents a compromise. And looking at some of the proposals coming out of the Senate, to add additional costly programs to grow the size of Government, which invariably will either raise taxes or will send the IOU down to our children and grandchildren to pay by way of expanding the deficit, I am beginning to think the bipartisan package out of the House of Representatives represents a better alternative than I have seen so far discussed here in the Senate.

The last thing we should be doing is using this national challenge to our economy—a great risk of seeing people put out of work and seeing them suffer economically—and taking chances on growing the size of Government or raising taxes or passing the debt down to our children by growing the size of Government and expanding the size of this package in order to satisfy an individual or group of Senators' desire to add pet projects on to that stimulus package. So I hope we will act in a bipartisan fashion to support the House-negotiated legislation, a bipartisan package, just like the Intelligence Committee product is a bipartisan package, and just like we acted at the end of last year, after a lot of dilly-dallying and a lot of delay, to finally pass, in a bipartisan way, legislation that appropriated emergency funding for our troops, that protected middle-class taxpayers from a tax they were never intended to pay in the first place—the alternative minimum tax—and the other business that we finally did after so many months of delay at the end of last year.

My hope, Mr. President, is that we will not punish those who cooperate with the United States Government in a time of war to help us listen to the conversations of foreign terrorists by refusing to pass this important piece of legislation because it sends the wrong message that if you don't cooperate, you can basically make America blind and deaf to our enemies. That is a danger to all of us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

#### BIPARTISAN COOPERATION

Mr. DORGAN. Mr. President, I have listened with great interest this morning. It has been fascinating for me to see a party block access to making progress in the Congress and then several days later come and complain that progress hasn't been made. That is a Byzantine approach to legislating.

I do agree, however, that we don't want bad habits to exist here. And even though I am honored to serve in this place, I have often called this the place of 100 bad habits, which would include myself, of course. It is hard to get things done in this place, but I am not suggesting one side or the other side is all wrong.

I am reminded of Ogden Nash's poem:

He drinks because she scolds, he thinks.  
She scolds because he drinks, she thinks.  
Neither will admit what is really true: He is a drunk; she is a shrew.

I understand both sides bear responsibility for difficulty from time to time, but let me say this: On this issue of FISA, it strains credibility for a party that says: You may not move; we will block you. We insist that we get 60 votes on every amendment. Every amendment has to have 60 votes, otherwise we filibuster. If that is the case, we don't make progress. And I don't think you can say: Well, we are going to object to progress, and then we will complain that progress isn't made. That makes no sense to me.

I don't know of anybody in this Chamber who doesn't want the FISA amendments to be extended and resolved. Let's do that and get it done. Let's have a little cooperation. But cooperation takes two parties, and it is long past the time to do that. As I have said, we have had a lot of bad habits in this legislation.

Mr. BOND. Mr. President, would the Senator entertain a question?

Mr. DORGAN. Let me ask unanimous consent that my time be extended, however, for the minute or so the Senator wishes to inquire.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I would just ask my good friend if he doesn't agree the Intelligence Committee bills have to pass with 60 votes? I believe the Protect America Act passed with 60 votes. The leader said in December it made sense to have all votes at 60-vote margins, and would he not expect that the Senate Intelligence Committee bill, which I support, will have to get 60 votes? And if so, does it not make sense to have 60 votes to pass all amendments?

Mr. DORGAN. Mr. President, it certainly does not make sense. In fact, exactly the opposite. That is nonsense, to bring a bill to the floor and say: Look, regular order would be to bring up amendments. If a majority of the Senators agree with them, those amendments are approved. But we don't like regular order. Let's decide every amendment that shall be brought up shall have to have 60 votes. Why? Be-

cause if not, they will filibuster every amendment and then complain nothing is getting done. No, it does not make sense, I would say to my friend.

Now, I didn't come to talk about that, but let me talk a moment about this issue of the economy. This is a discussion about starting the engine, or getting the engine working on this ship of state so that we move the country forward. It is about jobs and expanding opportunities for the American people because when the economy contracts, people run into trouble.

They are the ones who get laid off, the folks who are working in plants and working at the bottom for minimum wage. They are the ones who lose ground during an economic contraction.

Well, it used to be on the old automobiles, when you started an engine, you had to crank it. And then we went from a crank to a starter, so you push a button or turn a key. Well, some people think our economy is simple as that. It is not, of course. A large component of our economy is people's confidence. If they are confident in the future, they do the things that represent that confidence—they make that purchase, they buy a washer and dryer if they need it, they buy a car, they take a trip. In doing so, because they are confident about the future, they expand the economy. If they lack confidence in the future, they do exactly the opposite—they defer the purchase of that piece of equipment for their home, they defer the purchase of the car, they defer the trip—and the economy contracts.

We have a problem with this economy for a lot of reasons. I have described some of them on the floor of the Senate recently. But the Federal Reserve Board recognized that problem and took a very bold action—three-quarters of a percent interest rate cut—and likely will do more in the next couple of days. The impression is that we also should do something called a stimulus package; that is, stimulus with respect to fiscal policy. I do not object to that. In fact, I think we probably have to do that because a whole lot of what is going on in the market these days is about psychology.

I have indicated this before. I have called the field of economics psychology pumped up by helium. I think that is a pretty adequate description of what it is. People think it is science. It is not. It is a circumstance in which we know very little about the way this economy works. We do have more stabilizers in the economy than we did decades ago, so we have been able to even out a bit some of the recessions and the downturns. All of that has been helpful. We may be in a recession now. No one knows. We probably will not know that until we see it in the rear-view mirror. But if we do a stimulus package on fiscal policy—and I think that is a reasonable thing to do—I do